

REMARKS

Applicant has carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The Application as examined included claims 170 - 171, 174 - 189 and 191 - 198. Claims 1 - 169, 172 - 173 and 190 were previously cancelled.

In the present response, claims 175 - 176 are cancelled without prejudice. Claims 170, 178, 186 and 197 are amended. Claims 171, 174, 177, 179 - 185, 187 - 189, 191 - 196 and 198 are unchanged.

Claims 170 - 171, 174 - 175, 177 - 185, 188 - 189, 191 - 194 and 197 - 198 stand rejected under 35 U.S.C. 102(b) as being anticipated by Loiterman (U.S. Patent No. 4,983,165).

Claims 176 and 186 - 187 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Loiterman in view of Kotmel (U.S. Patent No. 6,585,639). Claims 195 - 196 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Loiterman in view of Ohshiro (U.S. Patent No. 4,040,413).

Loiterman describes a catheter for introduction into the vascular system of an animal including a tubular member with a proximal and distal end and an inner and outer surface, the outer surface provided with an inflatable steering means, the inner surface defining a passage, the passage provided with a guide wire and a control means operably linked to the inflatable steering means for selectively inflating same, the control means inflating the inflatable steering means to align the tubular member toward a selected branch of the vascular system, the guide wire being directed through the passage into the selected branch of the vascular system and the tubular member being advanced over the guide wire into the selected branch of the vascular system.

Kotmel describes apparatus, methods and kits for use in combination with a conventional bronchoscope or other lung viewing scope. Ohshiro describes an endoscope including one or more inflatable balloons provided on an outer surface of a tube thereof which encloses a fiber optical light transmitting bundle.

Applicant expresses appreciation to Examiner Matthew J. Kasztejna for the courtesy of a personal interview, which was granted to Applicant Gad Terliuc and Applicant's representative, Sanford T. Colb (Reg. No. 26,856), on June 8, 2010, at the USPTO. The substance of the interview is set forth in the Interview Summary.

At the interview, claims 170 and 176 were discussed vis-à-vis the prior art of Loiterman and Kotmel. The Interview Summary Record states, in relevant part, "Amendments to the claims were discussed emphasizing the novel features of the instant invention. In particular, the locomotive endoscope head which operates in a 'pulling fashion' and the selectably axially positionable extendible elements which provide a wider range of viewing to the user. Amendments were also discussed with regard to further defining the locomotive endoscope head being positioned at the distal most portion of the endoscope insertion body. The proposed amendments appear to overcome the current rejections and further search and consideration will be given to the claims upon formal submission of the amendments."

Applicant has amended claim 170 as proposed to include the substance of claims 175 and 176 and has also amended claim 170 for enhanced clarity in accordance with the helpful suggestions of the Examiner, namely to recite an endoscope body (previous claim 178) and to recite that the locomotive endoscope head pulls the endoscope body (paragraph [0143] of the application as published, U.S. Published Patent Application No. 2007/0276181)

Amendments similar in scope to the amendments made to claim 170 have been made to method claim 197. Claim 178 is amended in light of the amendments to claim 170. Claim 186 is amended to depend from amended claim 170 instead of cancelled claim 175.

As discussed at the interview, the endoscope assembly as recited in amended claim 170, includes an endoscope body and an selectably titlable locomotive endoscope head having two axially spaced sets of radially extendible elements (e.g., inflatable balloon portions), operative for performing tilting orientation of the endoscope head with respect to an examined organ (e.g., the intestine). The endoscope assembly recited in claim 170, as discussed, is capable of both selectable tilting and of locomotive advancement in the examined tubular body portion.

The prior art of Loiterman describes a catheter having two sets of balloons, which are capable of inclining the catheter head within the examined organ, but which cannot be displaced relative to each other. The prior art of Kotmel describes an apparatus having two balloons which are axially movable relative to each other, but are not capable of performing tilting orientation.

As discussed at the interview, the locomotive endoscope head as recited in amended claim 170, which is capable of performing tilting orientation alongside relative axial displacement of the two sets of extendible elements, is not an obvious combination of the prior art of Loiterman and Kotmel. The locomotive endoscope head recited in amended claim 170 enables higher accuracy and wider range of the tilting angle of the locomotive endoscope head, because the distance between the two sets of extendible elements (e.g., balloon portions) can be varied during the tilting operation.

As discussed at the interview, Applicant submits that none of the cited prior art, alone or in combination, shows or suggests an endoscope assembly, as recited in amended claim 170, including, inter alia, a selectably tiltable locomotive endoscope head and an endoscope head controller operative for controlling selectable extension of first and second pluralities of selectably radially extendible elements for selectable tilting of an endoscope head. Amended claim 170 is therefore patentable. Amended claim 197 is similar in scope to amended claim 170 and is also patentable.

Claims 171, 174, 177 - 189 and 191 - 196 each depend directly or ultimately from amended claim 170 and therefore are allowable. Claim 198 depends from amended claim 197 and therefore is allowable.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent than the last name "Shekleton".

Dated: 1 July 2010

Gerald T Shekleton
Reg. No. 27,466
Husch Blackwell Sanders Welsh & Katz
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1511
Fax: (312) 655-1501